

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D. C. 20554

RECEIVED

MAR 4 - 1992

Federal Communications Commission
Office of the Secretary

In the Matter of)

)
Amendment of Section 73.202(b),)
Table of Allotments,)
FM Broadcast Stations)
(Cadiz, Kentucky))

RM- _____

To: The Commission

APPLICATION FOR REVIEW

1. Ham Broadcasting Co., Inc. ("Ham") hereby requests review by the full Commission of the action of the Mass Media Bureau ("Bureau"), by letter of February 3, 1992, dismissing Ham's Petition for Rule Making ("Petition") to amend the FM Broadcast Table of Allotments to upgrade Station WKDZ-FM, Cadiz, Kentucky, from Channel 292A to Channel 293C3. A copy of the dismissal letter is attached hereto as Exhibit 1. A stamped copy of the Petition is submitted herewith as Exhibit 2.

2. Review by the full Commission is requested, rather than reconsideration by the Bureau, because this case presents novel issues of law that require interpretation of precedent and the establishment of policy by the full Commission. The Bureau's ruling was based on a narrow application of precedent that is not fully in point and was issued prior to the completion of the pleading cycle,^{1/} so a grant of reconsideration at the Staff level appears unlikely. Under these circumstances, immediate

^{1/} Ham's Reply to an Opposition to its Petition was timely filed on February 4, 1992. The Bureau dismissed the Petition for Rule Making on February 3, 1992.

No. of Copies rec'd
List A B C D E

049

review by the full Commission is warranted and is the only way that the legal issues at hand can be properly resolved.

3. The facts of the case are very simple. Ham asked for a straightforward upgrade of the facilities of its Station WKDZ-FM, Cadiz, Kentucky, from Class A to Class C3, on a mutually exclusive, first adjacent channel, pursuant to Section 1.420(i) of the Commission's Rules. The proposed transmitter site reference point for the upgraded channel complied with the mileage separation requirements of Section 73.207(b) of the Rules with respect to all stations but one: it was short-spaced to the transmitter site for unbuilt station WSEQ(FM), Reidland, Kentucky, authorized under File No. BPH-890117ML.^{2/}

4. The basic point of Ham's Petition, which was well supported with legal citations, is as follows: While Ham's proposed reference point for WKDZ-FM is indeed short-spaced to the presently authorized transmitter site for Station WSEQ(FM), WSEQ is an unbuilt station, and the permittee has no investment in the site specified in the construction permit. Moreover, the record shows that the permittee, Ladon Broadcasting Company ("Ladon"), has proposed not to build at the authorized site and in fact has proposed not to build at all. First, Ladon has

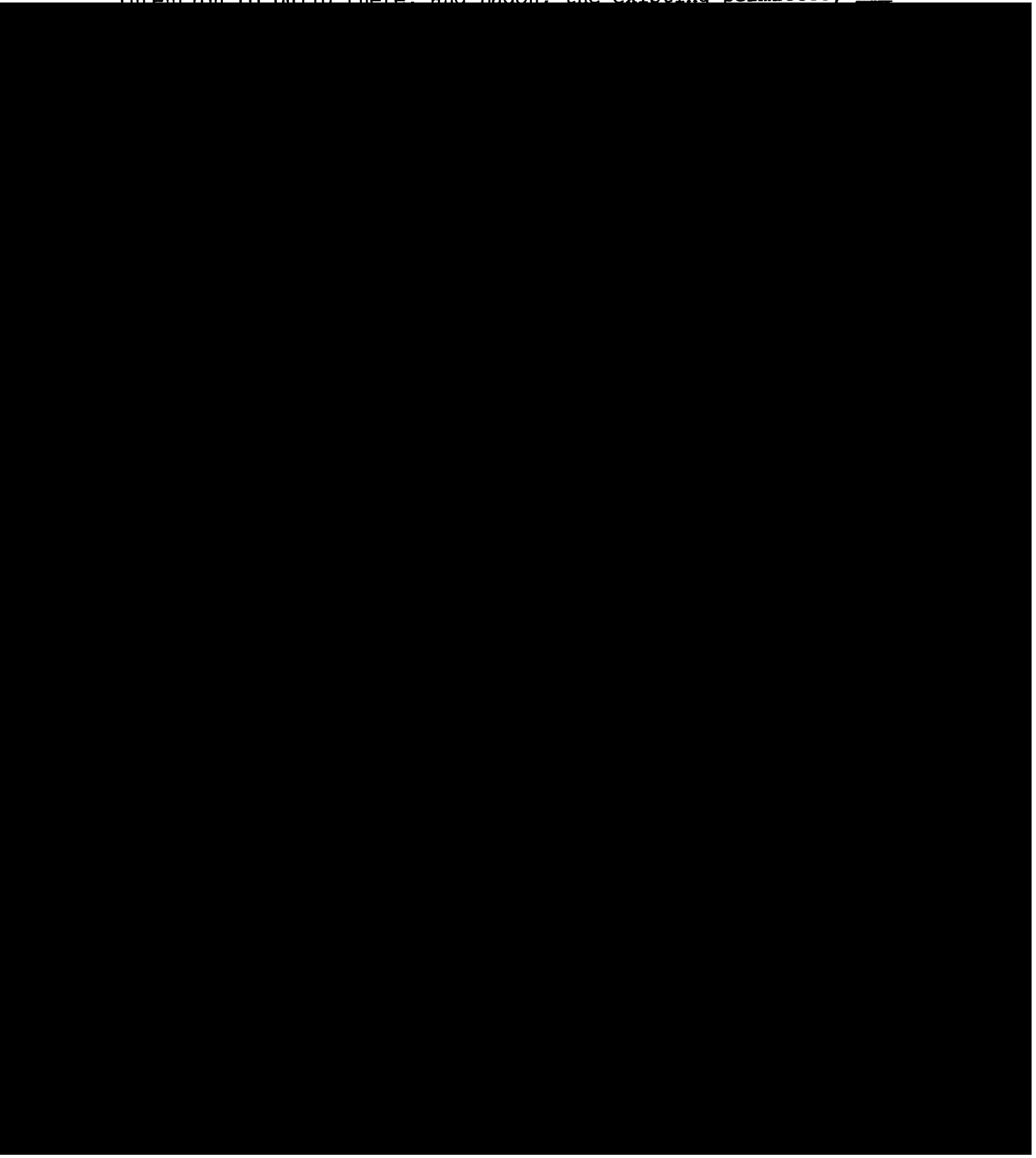
^{2/} The site was also short-spaced to a new transmitter site proposed by WSEQ in a pending modification application. Ham cited precedent establishing that because the proposed new WSEQ site has not yet been approved, it need not be taken into account, since a rule making petition like Ham's that results in new or improved service takes priority over an application for a mere site preference. The Bureau dismissed Ham's petition based only on short-spacing to the authorized WSEQ site, not the proposed new site.

actually filed an application to move the site, File No. BMPH-910913IC. Second, Ladon has applied to assign its construction permit to WMOK, Inc. ("WMOK"), File No. BAPH-910913GO. WMOK, the proposed assignee, has said it will not build at the currently authorized site either, because it cannot do so without causing prohibited overlap of 70 dBu contours with commonly owned station WREZ(FM), Metropolis, Illinois, in contravention of Section 73.3555(a)(2) of the Commission's Rules. In other words, the record is clear that there are no plans by anyone to build at the currently authorized site. Therefore, any precedent favoring protection of an authorized transmitter site is not applicable to the instant case; and it is irrational under the circumstances of this case to reject Ham's Petition based on spacing to a site, authorized or otherwise, where no one has committed to construct.^{3/}

5. The Commission must intervene to impose sound logic on the situation instead of a narrow application of precedent that is arbitrary and capricious when it results in denial of Ham's Petition without even inviting comments in a formal rule making proceeding. Ham showed that the authorized WSEQ site has been abandoned, which showing continues to stand un rebutted, despite vigorous pleadings by WMOK, who is only a proposed assignee and

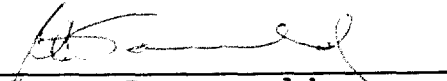
^{3/} More in point is *Greenville, Texas*, 6 FCC Rcd. 6048 (MM Bur. 1991), where a party, because it had already proposed to move its transmitter site, was ordered to move to an alternate location to accommodate another proposal.

has no standing anyway.^{4/} WMOK itself has expressed no
intention to build there; and Ladon, the existing permittee, has



comments on Ham's proposal, and the ultimate grant of the proposal, are fully justified.

Respectfully submitted,



Peter Tannenwald

Arent, Fox, Kintner,
Plotkin & Kahn
1050 Connecticut Ave., N.W.
Washington, DC 20036-5339
(202) 857-6024

March 4, 1991

Counsel for Ham Broadcasting
Co., Inc.

FEDERAL COMMUNICATIONS COMMISSION

WASHINGTON, D.C. 20554

FEB 3 1992

IN REPLY REFER TO:

Peter Tannenwald
Arent, Fox, Kintner,
Plotkin & Kahn
1050 Connecticut Avenue, N.W.
Washington, D.C. 20036-5339

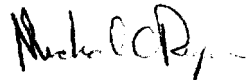
Dear Mr. Tannenwald:

This is in response to the petition for rule making which you filed on behalf of Ham Broadcasting, Inc., licensee of Station WKDZ(FM), Channel 292A, Cadiz, Kentucky, requesting the substitution of Channel 293C3 for Channel 292A at Cadiz and the modification of the license for Station WKDZ(FM) to specify operation on the higher class channel.

We have reviewed your request and find that it is unacceptable for consideration at this time. Our engineering analysis indicates that your proposal would be short-spaced to the construction permit (BPH-890117ML) for Station WSEQ(FM), Channel 294A, Reidland, Kentucky. You state that Station WSEQ(FM) has abandoned its construction permit site, as it has filed an application to specify an alternate site. Since Station WSEQ(FM) is an unbuilt station, you maintain that the site is not entitled to protection. However, the site specified in the permit represents the authorized transmitter site and is entitled to protection pursuant to Commission Rule 73.208(b). We do not believe that the mere filing of an application to amend the site specified in a construction permit removes the need to protect the site specified in that permit. In addition, although not a consideration in returning your petition, we note that an engineering analysis indicates that there may be a line of sight problem from the site coordinates specified in your petition to the community of Cadiz.

Therefore, we are returning your petition for rule making.

Sincerely,



Michael C. Ruger
Assistant Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau

Before the
FEDERAL COMMUNICATIONS COMMISSION
 Washington, D. C. 20554

Arent, Fox, Kinter
 Plotkin & Kahn
 FILE COPY

In the Matter of)
)
 Amendment of Section 73.202(b),) RM- _____
 Table of Allotments,)
 FM Broadcast Stations)
 (Cadiz, Kentucky))

To: Chief, FM Allocations Branch
 Policy and Rules Division
 Mass Media Bureau

RECEIVED

NOV - 1 1991

FEDERAL COMMUNICATIONS COMMISSION
 OFFICE OF THE SECRETARY

PETITION FOR RULE MAKING

1. Ham Broadcasting, Inc. ("Ham") hereby petitions the Commission to amend the FM Broadcast Table of Allotments to upgrade Station WKDZ-FM, Cadiz, Kentucky, from Class A to Class C3, as follows:

	<u>Present</u>	<u>Proposed</u>
Cadiz, Kentucky	292A	293C

2. Ham is the licensee of WKDZ-FM, which is currently licensed to operate on Channel 292A at Cadiz. Pursuant to Section 1.420(i) of the Commission's Rules, Ham seeks a modification of license for WKDZ-FM to specify operation on Channel 293C3.

3. Operation on Channel 293C3 at the existing WKDZ-FM transmitter site would not comply with the mileage separation requirements of Section 73.207(b) of the Rules. Accordingly, Ham proposes to move the transmitter of WKDZ-FM to a new site at 36°47'20" north latitude, 87°38'55" west longitude and to establish those coordinates as the reference point for the new Channel 293C3 allotment at Cadiz.

4. The attached Engineering Statement includes a separations study showing that Channel 293C3 may be used at this new reference point in full compliance with Section 73.207(b) except with respect to the outstanding construction permit for WSEQ(FM), Reidland, Kentucky. WSEQ is discussed further below. The study shows that from the proposed new reference point, WKDZ-FM will be able to provide 3.16 mV/m service to all of Cadiz, as required by Section 73.315(b) of the Rules.

5. The proposed new reference point is 20.4 km. from the present WKDZ-FM transmitter site. That is less than the 89 km. separation required between Channels 292A and 293C3 under Section 73.207(b). Thus the proposed allotment is mutually exclusive with the present allotment. Consequently, pursuant to Section 1.420(i), Ham's license for WKDZ-FM may be modified to specify operation on Channel 293C3 without accepting competing expressions of interest for the new allotment. Cleveland and Rosedale, Mississippi, MM Docket No. 89-415, DA 91-1189, (MM Bur. rel. Oct. 2, 1991). Ham requests that its license be so modified and states that if the proposed change in the Table of Allotments is modified, it will file an application for a construction permit for upgraded facilities and will, when that application is granted, construct and operate upgraded facilities on Channel 293C3.

6. The allotment of Channel 293C3 at the proposed reference point complies with application mileage separations requirements to existing stations except the outstanding construction permit for unbuilt station WSEQ(FM), Channel 294A, Reidland, Kentucky. It

does not comply with the required separation of 89 km. to either the presently authorized site for WSEQ in BPH-890117ML^{1/} (actual separation is 77.8 km.) or the transmitter site proposed by Ladon Broadcasting Company, Inc., permittee of WSEQ, under File No. BMPH-910913IC^{2/} (actual separation is 71.0 km.).

7. With respect to the proposed new WSEQ site in BMPH-910913IC, it is well established that a proposed transmitter site for an already authorized station is deemed a mere site preference that cannot prevail over a proposal for an upgraded allotment. Stuart and Boone, Iowa, MM Docket No. 89-334, DA 91-1288 (MM Bur. rel. Oct. 25, 1991); Homerville, Lakeland and Statenville, Georgia, MM Docket No. 90-214, DA 91-1241, (MM Bur. rel. Oct. 10, 1991); Dunn, Fuquay-Varina, Hope Mills, Topsail Beach, and Williamston, North Carolina, 4 FCC Rcd 2301 (MM Bur. 1989); Ephrata, Washington, 4 FCC Rcd 307 (MM Bur. 1989); Roland and Heavener, Oklahoma, 3 FCC Rcd 2684 (MM Bur. 1988); Freedom and Morgan Hill, California, 26 RR 2d 1057 (1987); Rockport, Texas, 4 FCC Rcd 8075 (1989). Therefore, the proposed new site for WSEQ must be disregarded when considering Ham's proposed upgrade for WKDZ-FM.

1/ The grant of BPH-890117ML was reported in Broadcast Actions, Report No. 21134, released June 13, 1991. The coordinates are 37°03'23" n. lat., 88°27'22" w. lon.

2/ The coordinates specified in the pending WSEQ application are 37°01'26" n. lat., 88°23'24" w. lon. An application is pending to assign the construction permit for WSEQ to WMOK, Inc., File No. BAPH-910913GO. A request is also pending to change the call letters of WSEQ to WXEZ, contingent on consummation of the assignment. See Call Sign Public Notice, Report No. 168, released October 4, 1991.

8. With regard to the presently authorized site for WSEQ, specified in BPH-890117ML, while it is true that there is a general policy against forced transmitter site relocation,^{3/} that policy does not apply here, because WSEQ is an unbuilt station, so there is no investment in the currently authorized transmitter site,^{4/} and the permittee of WSEQ has stated on the record, in BMPH-910913IC, that it does not propose to construct at that site. This latter factor -- the filing of an application to move the transmitter site -- distinguishes this case from Mt. Morris and Savanna, et al., supra. In Mt. Morris, as in the instant case, the station being asked to move was unbuilt and was being sold. The proponent in the rule making claimed that Counsel for the permittee of the affected station had indicated that an application to change site would be filed after consummation of the assignment of the permit. However, no written consent from the permittee or assignee was proffered; and because no site change application had actually been filed, the Commission refused to require the station to move. The instant case is fundamentally different in that the permittee here has already filed a site change application, which constitutes

3/ See Boalsburg, Clearfield, Jersey Shore, Renovo, St. Marys and Tioga, Pennsylvania, 3 FCC Rcd 6116 (MM Bur. 1988); Mt. Morris and Savannah, Illinois, Bell Plaine, Maquoketa, Webster City and Winterset, Iowa, 5 FCC Rcd 2683 (MM Bur. 1990).

4/ The pending assignment application for WSEQ, File No. BAPH-910913GO, includes a copy of the contract between the assignor and assignee. One of the exhibits to the contract is a list of the assignor's expenses to date. No expense is listed for the transmitter site. Of course, Ham will compensate the permittee of WSEQ for the reasonable and prudent incremental costs -- if there are any -- that the permittee must bear as a result of the outcome of this rule making.

the written statement of intent to move that was missing in Mt. Morris. This basic difference is a controlling distinction that makes Mt. Morris not applicable to the instant case and returns this case to the general rule that a mere site preference must yield to increased service from a new or upgraded allotment. It makes no sense, and there is no statutory or regulatory requirement, to protect a site for WSEQ in which the permittee has no stake and which the permittee has announced it has abandoned by filing a modification application. See Greenville, Texas, MM Docket No. 90-85, DA 91-1295 (MM Bur. rel. Oct. 25, 1991), at par. 4 (where party has already proposed to move transmitter site, move to alternate location may be ordered to accommodate another proposal).

9. Ham's proposal would not prevent WSEQ from being constructed by leaving the permittee with no place to build, so it is not impractical. As shown in Ham's attached Engineering Statement, there are ample alternative sites for WSEQ that not only meet required mileage separation requirements to both the WKDZ-FM proposed upgrade site and all existing stations but are also realistic, because they include sites proposed by some of the original applicants for the WESQ channel at Reidland.^{5/} These sites would also allow WESQ to cover all of Reidland with a 3.16 mV/m signal.

^{5/} These sites include 37°04'55" n. lat., 88°35'38" w. lon., which was proposed by Rising Sun Enterprises, Inc. in BPH-890117MD (90.3 km. from the proposed Cadiz reference point) and 37°03'36" n. lat., 88°36'12" w. lon., which was proposed by Whiting Enterprises, Inc. in BPH-890118MC (90.2 km. from the proposed Cadiz reference point.)

10. In light of the foregoing, it is respectfully requested that the Table of Allotments be amended as proposed in Paragraph 1 hereof and that the license for WKDZ-FM be modified to specify operation on Channel 293C3 at Cadiz, Kentucky, at the new reference point proposed in Paragraph 3.

Respectfully submitted,

Peter Tannenwald

Arent, Fox, Kintner,
Plotkin & Kahn
1050 Connecticut Ave., N.W.
Washington, DC 20036-5339
(202) 857-6024

November 1, 1991

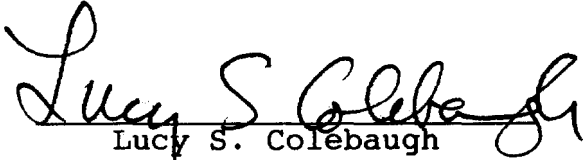
Counsel for Ham Broadcasting
Co., Inc.

CERTIFICATE OF SERVICE

I, Lucy S. Colebaugh, do hereby certify that I have, this 1st day of November, 1991, caused to be sent by first class United States mail, postage prepaid, copies of the foregoing "Petition for Rule Making" to the following:

Michael Bellar, Esquire
Verner, Liipfert, Bernhard,
McPherson and Hand
901 - 15th St., N.W., Suite 700
Washington, DC 20005
Counsel for Ladon Broadcasting Company, Inc.

Bradford C. Carey, Esquire
Walker, Bordelon, Hamlin, Theriot & Hardy
701 South Peters Street
New Orleans, LA 70130
Counsel for WMOK, Inc.


Lucy S. Colebaugh

ENGINEERING STATEMENT

CADIZ, KENTUCKY

FM CHANNEL 29303

for

Ham Broadcasting

Licensee of WKDZ(FM)

The attached engineering study of channel 29303 for Cadiz, Kentucky was performed using the Commission's separation criteria contained in 47 CFR 73.207, Minimum Distance Separation Between Stations. This study indicates that channel 29303 can be assigned to Cadiz, Kentucky 1/ with the allocation reference point situated 18.6 kilometers east-southeast of the community (116 degrees true). 2/

DISCUSSION

A search on channel 29303 at the present WKDZ(FM) tower site 3/ reveals that this location would be short-spaced by 5.8 kilometers to WRTB, channel 293B in Washington, Indiana; by 4.1 kilometers to channel 29302 assigned to New Madrid, Missouri and to the assignment point and the permittee for channel 2946 in Reidland, Kentucky by 25.7 and 31.3 kilometers respectively. See Exhibit I.

1/ Coordinates for Cadiz, KY are N 36-51-48; W 87-50-06

2/ Coordinates for channel 29303 are N 36-47-20; W 87-38-55

3/ Coordinates for WKDZ(FM) are N 36-52-57; W 87-50-44

The proposed Cadiz Allocation point for channel 29303 is 211.0 kilometers from WRTB and 187.4 kilometers from the New Madrid channel 29302 allocation point. The proposed allocation point is also 11.2 kilometers short-spaced to the construction permit for WSEQ, Reidland, Kentucky and by 18 kilometers to the WSEQ application (BMPH-91091310). It is also mutually exclusive with WKDZ(FM) channel 292A in Cadiz, Kentucky by 58.6 kilometers. See Exhibit II.

Channel 294A allocated to Reidland, Kentucky attracted five applicants. Two of these, Whiting Enterprises, Inc. 4/ and Rising Sun Enterprises, Inc. 5/, proposed tower sites that would have maintained sufficient clearance to the proposed Cadiz assignment: Whiting by 1.2 kilometers; Rising Sun by 1.3 kilometers. Since both of these applications provided city-grade coverage to Reidland, Kentucky it follows that it is quite possible to accommodate this proposal and channel 294A in Reidland, Kentucky.


A channel search and clearance map for channel 294A indicate the large area where a tower site could be located to serve Reidland, Kentucky and provide protection to the proposed Cadiz, Kentucky allocation. See Exhibit III and IV.

4/ Whiting Enterprises BPH-890118MC: N 37-03-36; W 88-36-12

5/ Rising Sun Enterprises BPH-890117MD: N 37-04-55; 88-35-38

At maximum facilities (25 kw ERP; 100m HAAT) a class C3 city-grade contour will cover approximately 24 kilometers from the antenna site. Therefore it is quite possible to provide Cadiz, Kentucky with the required city-grade signal from a transmitter site within the clearance area shown on Exhibit V.

Having demonstrated that this proposal meets the separation requirements of 47 CFR 73.207 and that it also meets the city-grade coverage requirements of section 73.315, the public interest will be served by the allotment of channel 293C3 to Cadiz, Kentucky.


Dwight R. Magnuson, P.E.

Dated: Oct 31, 1991

EXHIBIT I

***** FM CHANNEL SPACING STUDY *****

Job title: Cadiz, Kentucky

Latitude: 36 52 57

Channel: 293C3

Longitude: 87 50 44

Database file name: D:\FCCDATA\FM910828.EDX

Pre-1989 Class A spacings?: N
Reqd.

CH	Call	Record	City	ST	Status	Bear.	Dist.	Dist.	Result
293C	WSKZ	8573	Chattanooga	TN	LIC	129.3	297.2	237.0	60.2
294A	WHHT	8680	Cave City	KY	APP	80.7	168.2	89.0	79.2
294A	WHHT	8695	Cave City	KY	LIC	80.7	168.2	89.0	79.2
294A	NEW	9305	Mount Juliet	TN	APP	119.6	130.6	89.0	41.6
294A	NEW	9309	Mount Juliet	TN	APP	126.5	131.4	89.0	42.4
294A	NEW	9323	Mount Juliet	TN	APP	126.5	131.4	89.0	42.4
290C	WLACFM	9326	Nashville	TN	LIC	136.3	129.7	96.0	33.7
294A	NEW	9336	Mount Juliet	TN	APP	126.5	131.4	89.0	42.4
294A	NEW	9343	Mount Juliet	TN	APP	126.5	131.4	89.0	42.4
294A	NEW	9347	Mount Juliet	TN	APP	122.5	136.8	89.0	47.8
294A	NEW	9352	Mount Juliet	TN	APP	126.5	131.4	89.0	42.4
294A	NEW	9360	Mount Juliet	TN	APP	124.7	132.1	89.0	43.1
294A		9378	Mount Juliet	TN	VACANT	120.7	130.8	89.0	41.8
292A	WLLSFM	9413	Hartford	KY	LIC	53.1	104.6	89.0	15.6
292A	WKDZFM	9929	Cadiz	KY	LIC	.0	.0	89.0	-89.0
295A	WTTL	9956	Madisonville	KY	CP	31.0	64.7	42.0	22.7
294A		9960	Mount Vernon	IN	VACANT	356.8	115.0	89.0	26.0
294A	NEW	9961	Mount Vernon	IN	APP/GID	356.2	116.5	89.0	27.5
294A	NEW	9962	Mount Vernon	IN	APP/DID	355.4	116.2	89.0	27.2
293B	WRTB	9979	Washington	IN	LIC	16.7	205.2	211.0	-5.8
293B	WRTB	9991	Washington	IN	CP	16.7	205.3	211.0	-5.7
295C1	WWYN	10478	Mckenzie	TN	LIC	217.8	137.5	76.0	61.5
294A	WSEQ	10578	Reidland	KY	CP	289.8	57.7	89.0	-31.3
294A	WSEQ	***	Reidland	KY	APP	287.9	51.0	89.0	-38.0
239A	NEW	10579	Calvert City	KY	APP	309.1	50.0	12.0	38.0
239A		10586	Calvert City	KY	VACANT	304.9	48.5	12.0	36.5
292B1	WQRL	10591	Benton	IL	CP	327.9	137.9	114.0	23.9
294A		10600	Reidland	KY	USED	286.9	63.3	89.0	-25.7
239A	NEW	10603	Calvert City	KY	APP	296.2	41.6	12.0	29.6
292A	WQRL	10606	Benton	IL	LIC	323.4	153.8	89.0	64.8
239A	NEW	10612	Calvert City	KY	APP	300.1	42.9	12.0	30.9
293C2		11197	New Madrid	MO	VACANT	253.4	172.9	177.0	-4.1
293C1	WKBQ	11859	Granite City	IL	CP	311.5	288.1	211.0	77.1
293C1		11886	Granite City	IL	USED	311.6	287.9	211.0	76.9

***** End of channel 293 study *****

***Note: Application of WSEQ -- BMPH-910913IC

EXHIBIT II

***** FM CHANNEL SPACING STUDY *****

Job title: Cadiz, Kentucky

Channel: 29303

Database file name: D:\FCCDATA\FM910828.EDX

Latitude: 36 47 20

Longitude: 87 38 55

Pre-1989 Class A spacings?: N
Reqd.

CH	Call	Record	City	ST	Status	Bear.	Dist.	Dist.	Result
2930	WSKZ	8573	Chattanooga	TN	LIC	130.1	277.1	237.0	40.1
294A	WHHT	8680	Cave City	KY	APP	75.9	153.0	89.0	64.0
294A	WHHT	8695	Cave City	KY	LIC	75.9	153.0	89.0	64.0
294A	NEW	9305	Mount Juliet	TN	APP	119.5	110.2	89.0	21.2
294A	NEW	9309	Mount Juliet	TN	APP	127.6	111.1	89.0	22.1
294A	NEW	9323	Mount Juliet	TN	APP	127.6	111.1	89.0	22.1
2900	WLACFM	9326	Nashville	TN	LIC	139.3	110.1	96.0	14.1
294A	NEW	9336	Mount Juliet	TN	APP	127.6	111.1	89.0	22.1
29602	WBLG	9339	Smiths Grove	KY	APP	86.8	124.2	56.0	68.2
294A	NEW	9343	Mount Juliet	TN	APP	127.6	111.1	89.0	22.1
294A	NEW	9347	Mount Juliet	TN	APP	122.9	116.4	89.0	27.4
294A	NEW	9352	Mount Juliet	TN	APP	127.6	111.1	89.0	22.1
294A	NEW	9360	Mount Juliet	TN	APP	125.5	111.8	89.0	22.8
294A		9378	Mount Juliet	TN	VACANT	120.8	110.4	89.0	21.4
29602		9381	Smiths Grove	KY	VACANT	87.1	122.4	56.0	66.4
292A	WLLSFM	9413	Hartford	KY	LIC	42.2	98.5	89.0	9.5
292A	WKDZFM	9929	Cadiz	KY	LIC	300.8	20.4	89.0	-68.6
295A	WTTL	9956	Madisonville	KY	CP	13.6	67.6	42.0	25.6
294A		9960	Mount Vernon	IN	VACANT	349.3	127.5	89.0	38.5
294A	NEW	9961	Mount Vernon	IN	APPGID	348.8	129.1	89.0	40.1
294A	NEW	9962	Mount Vernon	IN	APPDID	348.1	129.1	89.0	40.1
293B	WRTB	9979	Washington	IN	LIC	11.5	211.0	211.0	.0
293B	WRTB	9991	Washington	IN	CP	11.5	211.1	211.0	.1
29501	WWYN	10478	Mckenzie	TN	LIC	226.2	141.6	76.0	65.6
294A	WSEQ	10578	Reidland	KY	CP	292.8	77.8	89.0	-11.2
239A	NEW	10579	Calvert City	KY	APP	306.8	70.2	12.0	58.2
239A		10586	Calvert City	KY	VACANT	303.8	68.9	12.0	56.9
292B1	WQRL	10591	Benton	IL	CP	324.6	156.3	114.0	42.3
294A		10600	Reidland	KY	USED	290.4	83.3	89.0	-5.7
294A		***	Reidland	KY	APP	291.5	71.0	89.0	-18.0
239A	NEW	10603	Calvert City	KY	APP	297.8	61.9	12.0	49.9
239A	NEW	10612	Calvert City	KY	APP	300.4	63.3	12.0	51.3
29302		11197	New Madrid	MO	VACANT	258.1	187.4	177.0	10.4

***** End of channel 293 study *****

***Note: Application of WSEQ -- BMPH-910913IC

EXHIBIT III

***** FM CHANNEL SPACING STUDY *****

Job title: Reidland, Kentucky

Latitude: 37 3 15

Channel: 294A

Longitude: 88 35 30

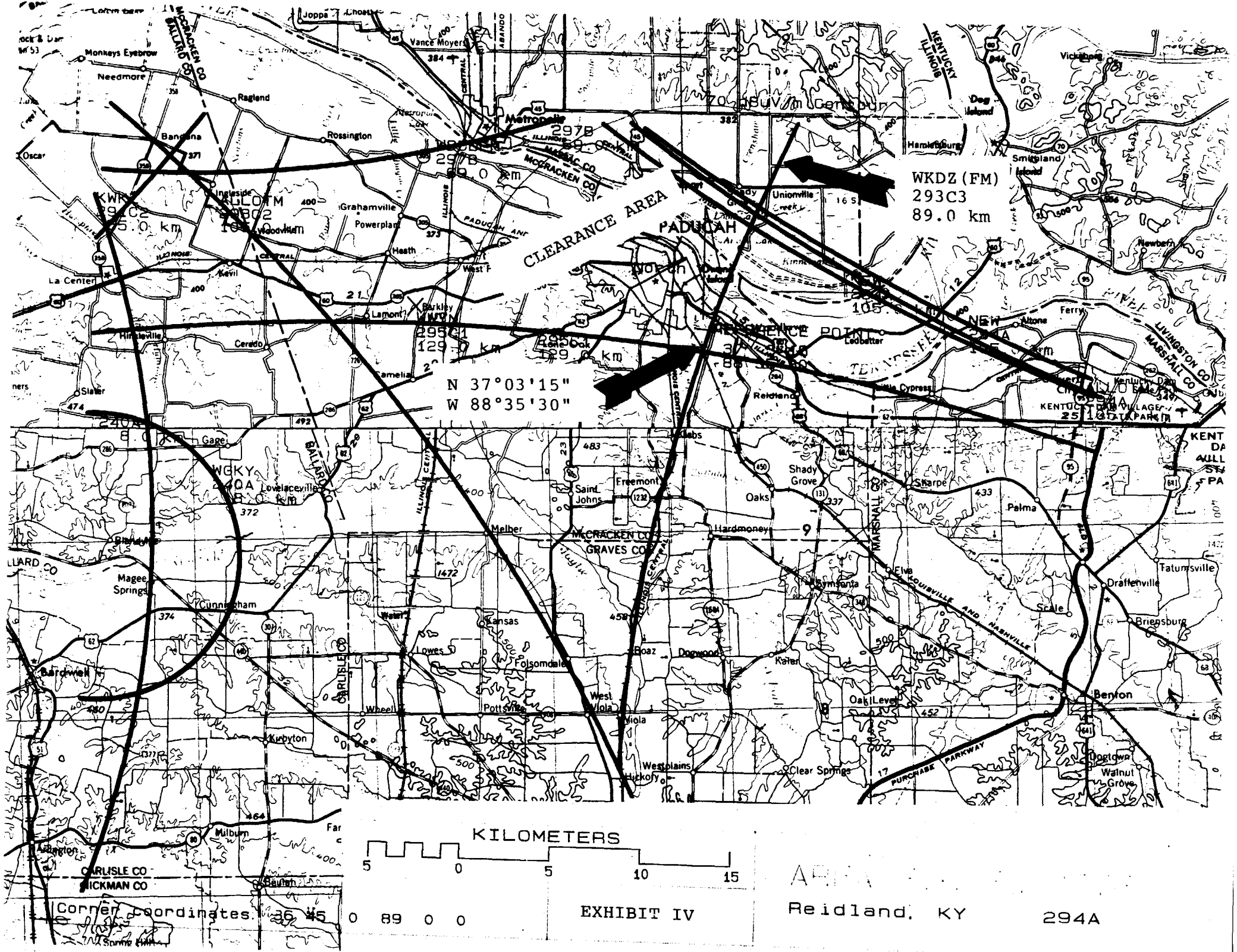
Database file name: D:\FCCDATA\FM910828.EDX

Pre-1989 Class A spacings?: Y
Reqd.

CH	Call	Record	City	ST	Status	Bear.	Dist.	Dist.	Result
292A	WKDZFM	9929	Cadiz	KY	LIC	105.8	69.1	27.0	42.1
293C3	WKDZFM	****	Cadiz	KY	ADD	109.3	89.0	89.0	.0
295A	WTTL	9956	Madisonville	KY	CP	69.6	106.1	64.0	42.1
294A		9960	Mount Vernon	IN	VACANT	31.6	112.8	105.0	7.8
294A	NEW	9961	Mount Vernon	IN	APPGID	30.6	113.3	105.0	8.3
294A	NEW	9962	Mount Vernon	IN	APPDID	30.0	112.1	105.0	7.1
295C1	WWYN	10478	McKenzie	TN	LIC	187.6	129.0	129.0	.0
240A		10563	Wickliffe	KY	DEL	249.2	35.7	8.0	27.7
240A	WGKY	10566	Wickliffe	KY	LIC	249.2	35.7	8.0	27.7
294A	WSEQ	10578	Reidland	KY	CP	88.8	12.1	105.0	-92.9
292B1	WQRL	10591	Benton	IL	CP	355.4	97.6	48.0	49.6
294A		10600	Reidland	KY	USED	99.1	5.8	105.0	-99.2
292A	WQRL	10606	Benton	IL	LIC	345.7	107.0	27.0	80.0
297B	WDDDFM	10609	Marion	IL	LIC	338.8	83.4	69.0	14.4
291C2	KWKZ	11194	Charleston	MO	ADD	261.9	86.2	55.0	31.2
293C2		11197	New Madrid	MO	VACANT	234.9	120.7	105.0	15.7
291A	KWKZ	11207	Charleston	MO	CP	261.7	72.2	27.0	45.2
240C3	WGKY	11209	Clinton	KY	ADD	237.5	61.8	11.0	50.8
292A	KMISFM	11216	Portageville	MO	LIC	234.9	120.7	27.0	93.7
291A	KWKZ	11221	Charleston	MO	DEL	261.7	72.2	27.0	45.2
295A		11245	Perryville	MO	ADD	299.8	137.7	64.0	73.7
294A		11246	Perryville	MO	VACANT	303.8	135.0	105.0	30.0
294A		11255	Perryville	MO	DEL	303.9	135.0	105.0	30.0

***** End of channel 294 study *****

****Note: Proposed channel 293C3 for Cadiz, Kentucky



CLEARANCE AREA

N 37°03'15"
W 88°35'30"

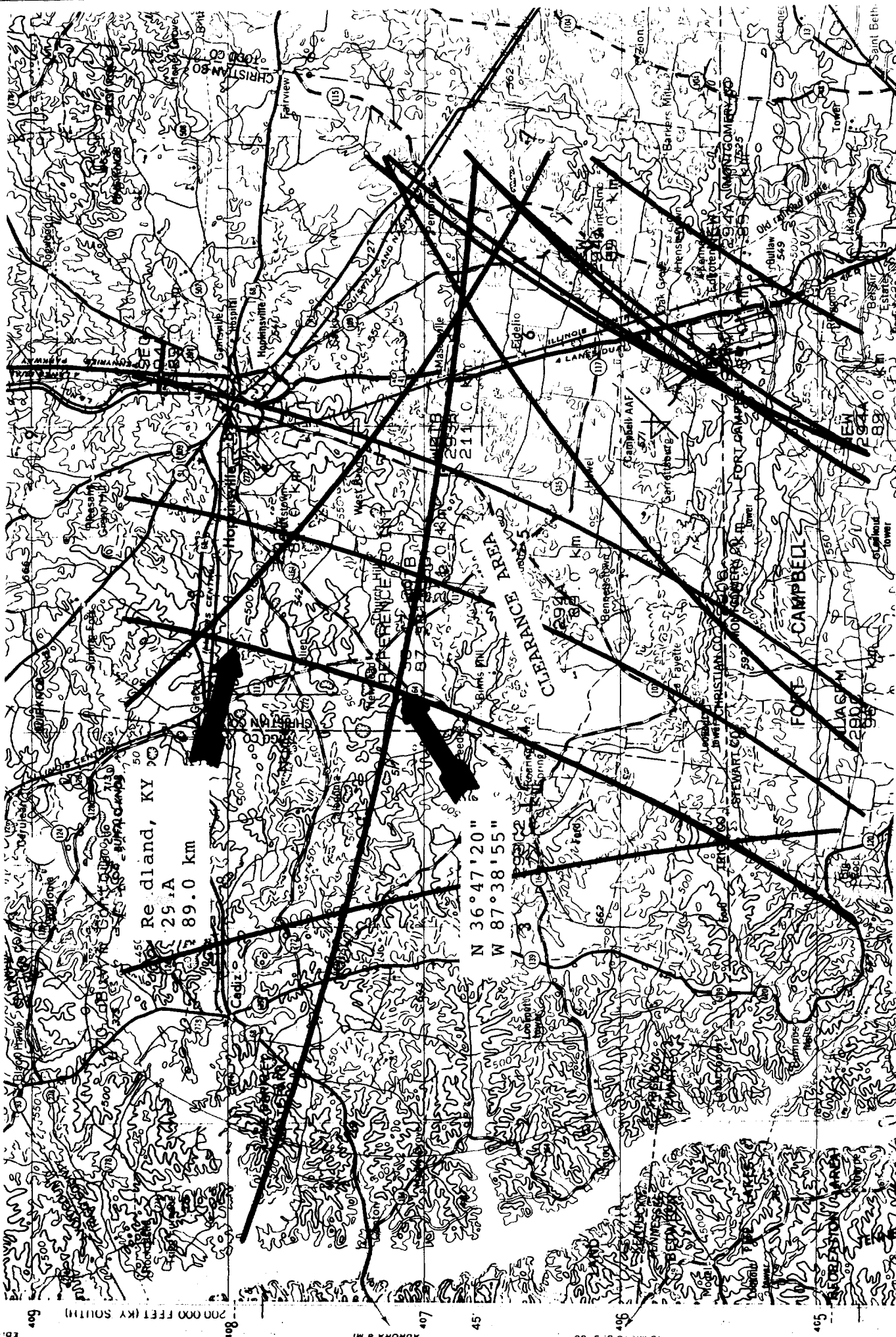
WKDZ (FM)
293C3
89.0 km

KILOMETERS

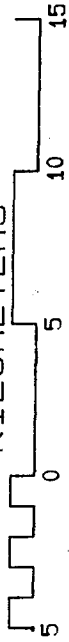
EXHIBIT IV

Reidland, KY

294A



KILOMETERS



CERTIFICATE OF SERVICE

I, Lucy S. Colebaugh, do hereby certify that on this 4th day of March, 1992, I have caused to be sent by first-class United States mail, postage prepaid, copies of the foregoing "Application for Review" to the following:

Bradford E. Carey, Esquire
Walker, Bordelon, Hamlin, Theriot & Hardy
701 South Peters Street
New Orleans, LA 70130
Counsel for WMOK, Inc.

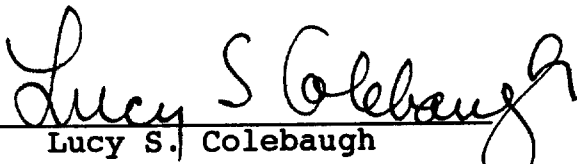
Michael Bellar, Esquire
Verner, Liipfert, Bernhard, McPherson & Hand
901 - 15th St., N.W., Suite 700
Washington, DC 20005
Counsel for Ladon Broadcasting Co., Inc.

Howard Braun, Esquire
Rosenman & Colin
1300 - 19th St., N.W.
Washington, DC 20036
Counsel for Mason-Dixon Broadcasting Co.

Edwin Jorgensen, Assistant Chief/Legal (by hand delivery)
FM Branch, Mass Media Bureau
1919 M St., N.W., Room 332
Federal Communications Commission
Washington, D.C. 20554

Ms. Druscilla Smalls (by hand delivery)
FM Branch
1919 M St., N.W., Room 341
Federal Communications Commission
Washington, D.C. 20554

Michael C. Ruger, Assistant Chief (by hand delivery)
Allocations Branch, Policy and Rules Division
2025 M St., N.W., Room 8337
Federal Communications Commission
Washington, D.C. 20554


Lucy S. Colebaugh